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Remarks

Claims 1 through 5, 7 through 21, 23 through 32, 35 and 37 through 53 remain pending in the application.

The claims have been amended to cure the indefiniteness identified by the Examiner. Claim 35 is amended to delete a redundant recitation and other matters of form.

The Office Action rejects the claims as obvious over Zampese, Purchase Management System And Method, U.S Patent 6,104,650 (Jan. 11, 2000) under the assertion that Zampese discloses the use of a plurality of codes for use in connecting various terminals, and that downloading access codes over the internet is old and well-known.

The rejection ignores limitations of the claims. Claim 1 requires provision of additional access codes upon an initial mismatch of access codes. Zampese clearly terminates operation after a single failure, as he clearly explains in reference to his Fig. 3. Provision of additional access codes upon an initial mismatch of access codes is clearly contrary to Zampese, and non-obvious over both his explicit teaching to mail access codes to users and his explicit teaching to terminate a transaction after a single mismatch.

Zampese teaches against the claimed combination. Zampese bluntly and explicitly teaches against internet download of access codes. Zampese explicitly states "When purchases are made via a computerized network such as the internet, the step of providing the set of unique transaction codes to the purchaser includes supplying the transaction codes to the

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purchaser via a medium external to the computerized network
(e.g., via the mail) to prevent fraudulent interception of the
transaction codes." Zampese also states "In the preferred
embodiment, although the account code may be forwarded to the
purchaser over the internet, the series of secret transaction
codes 32-37 are not. Instead, they are provided to the purchaser
via the mail or in person via secure non-internet channel 17,
FIG. 1." Zampese clearly teaches that access codes are to be
transmitted through the mail.

The Examiner mistakenly takes official notice of the
purported fact that internet download of access codes in a
software verification program is well known. The examiners
assertion is cast in the present tense, and it thus irrelevant
to the issue of whether the practice was well known at the time
of filing. There is no evidence that the practice is well-known
even today (for example, the USPTO private pair system, as of
2006, transmits the reference codes necessary to verify a user
through the mail). The assertion is also made without any
evidentiary support. Applicant requests that the Examiner
explicitly set forth specific facts predicated on sound
technical and scientific reasoning to support the proposition
that internet download of access codes in a software
verification program is well know.

The motivations identified by the Examiner would not lead
one of skill in the art to make the modifications of the claimed
invention. The examiner identifies user friendliness as a
motivation. Such a motivation does not suggest any particular
modifications. Security precautions typically used by internet
banks and internet stores entail a modicum of user burden,
including (overwhelmingly) the use of mailed access codes, and

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this system is not user friendly. It results in days or weeks
of delay between initiating a transaction and completing the
transaction (the USPTO's private pair system is just one current
example). User friendliness is merely one of many factors
driving practices used to secure internet transactions, and the
assertion of this motivation to the exclusion of clearly
countervailing motivations to enhance security, is clearly
suggested by hindsight in light of the claimed invention. It is
clear that the art favors burdensome off-internet channels for
providing access codes, even today. Likewise, convenience to
the user is a motivation that leads to no certain modifications
to Zampese. Zampese himself asserts that his system is
convenient, and disparages encryption as inconvenient.
Combining the Examiner's motivation of convenience and Zampese's
teaching that encryption is "less than successful" would lead to
the abandonment of encryption. Clearly, this demonstrates that
convenience, as a motivation considered alone, provides no
suggestion to make sensible modifications of Zampese.

Conclusion

This response has addressed all of the Examiner's grounds
for rejection. The rejections based on prior art have been
traversed. Reconsideration of the rejections and allowance of
the claims is requested.

Date: September 28, 2006   By:

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